

MEAT AND MEAT PRODUCTS

5539. Adulteration of chicken fat. U. S. v. The E. M. Niles Company and Harry A. Whelan. Pleas of guilty. Corporation fined \$25; Harry A. Whelan fined \$5. (F. D. C. No. 9630. Sample Nos. 17624-F, 18867-F.)

On June 25, 1943, the United States attorney for the District of Massachusetts filed an information against the E. M. Niles Company, a corporation, of Boston, Mass., and Harry A. Whelan, manager of the Harry E. Whelan Division of the E. M. Niles Company, alleging shipment on or about November 9 and 18, 1942, from the State of Massachusetts into the State of New York of quantities of chicken fat which was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of fecal material and decomposed and putrid extraneous chicken parts such as liver, segments of intestine, muscle, trachea, crop and crop material, caecum, vent, ligaments and other animal tissues, and sour chicken fat.

On January 4, 1944, a plea of guilty was entered on behalf of the corporation and by Harry A. Whelan, and the court imposed the following fines: Corporation, \$25; Harry A. Whelan, \$5.

5540. Adulteration of chicken fat. U. S. v. Albert Richards Company, Inc. Plea of guilty. Fine, \$25. (F. D. C. No. 9629. Sample No. 17630-F.)

On May 10, 1943, the United States attorney for the District of Massachusetts filed an information against the Albert Richards Company, Inc., Boston, Mass., alleging shipment on or about December 8, 1942, from the State of Massachusetts into the State of New York of a quantity of chicken fat which was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of fecal material, pieces of intestine, and duodenum containing fecal material and extraneous material resembling floor dirt.

On January 6, 1944, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

5541. Adulteration of dressed turkeys. U. S. v. 114 Boxes of Dressed Turkeys. Consent decree of condemnation. Portion of product permitted to be withdrawn by Food and Drug Administration, and remainder ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 9021. Sample No. 17627-F.)

On or about December 18, 1942, the United States attorney for the Southern District of New York filed a libel against 114 boxes of dressed turkeys at New York, N. Y., alleging that the article had been shipped on or about November 19, 1942, by Langenfeld Dairy Products, Eureka, S. Dak.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance and in that it was in whole or in part the product of a diseased animal.

On January 13, 1943, the Langenfeld Ice Cream Co., Eureka, S. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the Food and Drug Administration be permitted to withdraw such number of birds as it might require, and that the remainder be released under bond for segregation and destruction of the unfit portion under the supervision of that Administration.

5542. Adulteration of poultry. U. S. v. 104 Boxes of Poultry. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law or destroyed. (F. D. C. No. 10723. Sample No. 43347-F.)

Examination showed the presence of decomposed poultry.

On September 29, 1943, the United States attorney for the District of Kansas filed a libel against 104 boxes of poultry at Fort Scott, Kans., alleging that the article had been shipped in interstate Commerce on or about August 23, 1943, by the U. S. Cold Storage Co., from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 29, 1943, Edward Aaron Co. of Fort Scott, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, or destroyed.

NUTS AND NUT PRODUCTS

5543. Adulteration of shelled pecans. U. S. v. Sol. K. Simon (Southern Edible Products Company). Plea of nolo contendere. Fine, \$250. Defendant placed on probation for 3 years. (F. D. C. No. 10548. Sample No. 38303-F.)

On September 15, 1943, the United States attorney for the Middle District of Georgia filed an information against Sol. K. Simon, trading as the Southern

Edible Products Company, Albany, Ga., alleging shipment on or about March 8, 1943, from the State of Georgia into the State of Illinois of a number of cartons of shelled pecans that were adulterated. The article was labeled in part: (Cartons) "Bright Pieces * * * S. T. Fish & Co. * * * Chicago, Ill."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance because of the presence of rodent hairs and fecal pollution; and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On November 15, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$250 and the defendant was placed on probation for 3 years, conditioned that he should not shell pecans at any place under insanitary conditions.

5544. Adulteration of pecan meats. U. S. v. 23 Cartons of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 9939. Sample No. 18556-F.)

On May 14, 1943, the United States attorney for the Eastern District of New York filed a libel against 23 cartons of pecan meats at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about April 6, 1943, by the Acker Pecan Products Co. from Albany, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance, i. e., dirty, decomposed and rancid pecan meats.

On October 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5545. Adulteration of pecan pieces. U. S. v. 5½ Cartons of Pecan Pieces (and 2 additional seizure actions against pecan pieces). Decrees of condemnation. One lot ordered released under bond; remaining lots ordered destroyed. (F. D. C. Nos. 10111, 10210, 10211. Sample Nos. 35152-F to 35154-F, incl., 46162-F, 56503-F.)

All lots of this product contained rancid nuts and portions also contained moldy, decomposed, shriveled, and discolored nuts. Insect excreta was found in one sample.

On June 17 and July 8, 1943, the United States attorneys for the Middle District of Pennsylvania, the District of Columbia, and the Middle District of Georgia filed libels against 5½ 55-pound cartons of pecan pieces at Scranton, Pa., 4 55-pound boxes of pecan pieces at Washington, D. C., and 20 55-pound cases or cartons and 1 27-pound carton of pecan pieces at Thomasville, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about March 22 to June 24, 1943, by the Monticello Pecan Co. of Tallahassee, Fla., from Tallahassee, Fla., and Thomasville, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed and, in 1 lot, filthy substance.

On August 17, 1943, the Monticello Pecan Co., claimant for the lot located at Thomasville, Ga., having admitted the material allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law. The fit portion was segregated from the unfit portion, and the latter was destroyed, under the supervision of the Food and Drug Administration. On August 11 and October 18, 1943, no claimant having appeared for the lots located at Scranton, Pa., and Washington, D. C., judgments of condemnation were entered and the product was ordered destroyed.

5546. Adulteration of shelled walnuts. U. S. v. 94 Cartons of Shelled Walnuts (and 2 other seizure actions against shelled walnuts). Consent decrees of condemnation. Product ordered released under bond for reconditioning. (F. D. C. Nos. 10123, 11591, 11638. Sample Nos. 41652-F, 50494-F, 50495-F.)

On June 23, 1943, and January 6 and 14, 1944, the United States attorneys for the Southern District of Ohio and the Eastern District of Pennsylvania filed libels against 344 30-pound cartons of shelled walnuts at Philadelphia, Pa., and 76 25-pound cartons of walnut meats at Columbus, Ohio, alleging that the article had been shipped in interstate commerce within the period from on or about April 30 to December 10, 1943, by the Pacific Coast Nut House, San Jose, Calif.; and charging that it was adulterated.

The article at Columbus, Ohio, was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, webbing, insect excreta, and worm-cut walnut meats. The lot at Philadelphia, Pa., was alleged to be adulterated in that a substance, shelled walnuts containing shell fragments, had been substi-